

Amendment

Amendment to Chapter 11-200
Hawaii Administrative Rules

DEC 5 2001

SUMMARY

1. §11-200-8 is amended.

§11-200-8 Exempt classes of action. (a)

Chapter 343, HRS, states that a list of classes of actions shall be drawn up which, because they will probably have minimal or no significant effect on the environment, may be declared exempt by the proposing agency or approving agency from the preparation of an environmental assessment provided that agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption. Actions declared exempt from the preparation of an environmental assessment under this section are not exempt from complying with any other applicable statute or rule. The following list represents exempt classes of action:

- (1) Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;
- (2) Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
- (3) Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
 - (A) Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units;
 - (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with

- the building of two or more such structures;
- (C) Stores, offices, and restaurants designed for total occupant load of twenty persons or less per structure, if not in conjunction with the building of two or more such structures; and
 - (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;
- (4) Minor alterations in the conditions of land, water, or vegetation;
 - (5) Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource;
 - (6) Construction or placement of minor structures accessory to existing facilities;
 - (7) Interior alterations involving things such as partitions, plumbing, and electrical conveyances;
 - (8) Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, or chapter 6E, HRS;
 - (9) Zoning variances except shoreline set-back variances; [and]

- (10) Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions; and
- (11) Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, involving no material change of use beyond that previously existing, and for which the legislature has appropriated or otherwise authorized funding.

(b) All exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

(c) Any agency, at any time, may request that a new exemption class be added, or that an existing one be amended or deleted. The request shall be submitted to the council, in writing, and contain detailed information to support the request as set forth in section 11-201-16, environmental council rules.

(d) Each agency, through time and experience, shall develop its own list of specific types of actions which fall within the exempt classes, as long as these lists are consistent with both the letter and intent expressed in these exempt classes and chapter 343, HRS. These lists and any amendments to the lists shall be submitted to the council for review and concurrence. The lists shall be reviewed periodically by the council.

(e) Each agency shall maintain records of actions which it has found to be exempt from the requirements for preparation of an environmental assessment in chapter 343, HRS,

and each agency shall produce the records for review upon request.

(f) In the event the governor declares a state of emergency, the governor may exempt any affected program or action from complying with this chapter. [Eff 12/6/85; am and comp 8/31/96; am DEC 17 2007] (Auth: HRS §§343-5, 343-6) (Imp: HRS §343-6)

DEPARTMENT OF HEALTH

Amendment to chapters 11-200, Hawaii Administrative Rules, on the Summary page dated ~~DEC 5 2007~~ ~~DEC 5 2007~~, were adopted on ~~DEC 5 2007~~ following a public hearing held on November 26, 2007, after public notice was given in the Hawaii Tribune Herald, West Hawaii Today, The Maui News, The Molokai Dispatch, the Honolulu Advertiser, the Honolulu Star Bulletin, and the Garden Island News, October 26, 2007.

This amendment shall take effect ten days after filing with the Office of the Lieutenant Governor.



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Director of Health

APPROVED AS TO FORM:



EDWARD. G. BOHLEN
Deputy Attorney General



LINDA LINGLE
Governor
State of Hawaii

Date: DEC - 6 2007

Filed